

1 Lexi J. Hazam (SBN 224457)
2 *lhazam@lchb.com*
3 LIEFF CABRASER HEIMANN
4 & BERNSTEIN, LLP
5 275 Battery Street, 29th Floor
6 San Francisco, CA 94111-3339
7 Telephone: (415) 956-1000
8 Facsimile: (415) 956-100

9 Christopher A. Seeger (*pro hac vice*)
10 *cseeger@seegerweiss.com*
11 SEEGER WEISS, LLP
12 55 Challenger Road, 6th Floor
13 Ridgefield Park, NJ 07660
14 Telephone: (973) 639-9100
15 Facsimile: (973) 679-8656

16 Previn Warren (*pro hac vice*)
17 *pwarren@motleyrice.com*
18 MOTLEY RICE LLC
19 401 9th Street NW, Suite 630
20 Washington, DC 20004
21 Telephone: (202) 386-9610
22 Facsimile: (202) 232-5513

23 *Plaintiffs' Co-Lead Counsel*

24 Jennie Lee Anderson (SBN 203586)
25 *jennie@andrusanderson.com*
26 ANDRUS ANDERSON LLP
27 155 Montgomery Street, Suite 900
28 San Francisco, CA 94104
Telephone: (415) 986-1400
Facsimile: (415) 986-1474
Plaintiffs' Liaison Counsel

1
2
3
4
5
6
7
8
9
10
11
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

Case No. 4:22-MD-03047-YGR

MDL No. 3047

**PLAINTIFFS' THIRD CONSOLIDATED
EX PARTE APPLICATION FOR
APPOINTMENT OF GUARDIANS AD
LITEM**

This Document Relates to:
M.C., on behalf of minor E.C. v. Meta Platforms, Inc., et al., 4:23-cv-03398

D.S. filed on behalf of S.C. v. Meta Platforms, Inc., et al., 4:23-cv-03402

B.B filed on behalf of minor R.B. v. Meta Platforms, Inc., et al., 4:23-cv-03032

1 *M.W., filed on behalf of Minor G.W. v. Meta
2 Platforms, Inc., et al. 4:23-cv-03824*

3 *Monica Jackson, an individually and on
4 behalf of her minor child M.J. v. Meta
Platforms. Inc., et al. 4:23-cv-03774*

5 *E.S. individually and on behalf of E.S. and
6 J.S. individually v. Meta Platforms, Inc., et
al. 4:23-cv-03682*

7 *N.B., individually and on behalf of H.B. v.
8 Meta Platforms, Inc., et al. 4:23-cv-03635*

9 *M.H. individually and on behalf of B.H. and
10 E.H., individually v. Meta Platforms Inc., et
al. 4:23-cv-03639*

11 *L.T. on behalf of C.A. v. Meta Platforms Inc.,
12 et al. 4:23-cv-03637*

APPLICATION

15 Pursuant to this Court’s Order Regarding Appointment of Guardian *Ad Litem* (“Guardians
16 *Ad Litem* Order”) (ECF No. 122 at 3), Plaintiffs’ Liaison Counsel, Jennie Lee Anderson, hereby
17 submits Plaintiffs’ Third *Ex Parte* Application for Appointment of Guardians *Ad Litem* (“*Ex
18 Parte* Application”) for this Court’s consideration.

19 “Fit parents are presumed to act in the best interests of their children.” *J.B. by &
20 Through Billiet v. Tuolumne Cnty. Superintendent of Sch.*, No. 19-cv-0858-NONE-EPG, 2021
21 WL 3115195, at *2 (E.D. Cal. July 22, 2021) (citing *Troxel v. Granville*, 530 U.S. 57, 66 (2000);
22 *Doe v. Heck*, 327 F.3d 492, 521 (7th Cir. 2003)); *see also Brown v. Alexander*, No. 13-cv-01451-
23 RS, 2015 WL 7350183, at *1 (N.D. Cal. Nov. 20, 2015) (“In general, a parent who is also a party
24 to the lawsuit is presumed to be a suitable guardian ad litem, and so the court often appoints the
25 parent as guardian ad litem upon receipt of an ex parte application without exercising much
26 discretion.”) (citation omitted). Absent a conflict of interest, “[a] parent is generally appointed
27 guardian *ad litem*.” *A.G. v. South Bay Dreams Coop., Inc.*, No. 16-cv-02598-RNB, 2018 WL
28

1 2002370, at *3 (S.D. Cal. Apr. 30, 2018) (citing *Anthem Life Ins. Co. v. Olguin*, No. 06-cv-
 2 01165-AWI NEW (TAG), 2007 WL 1390672, at *3 (E.D. Cal. May 9, 2007)); *accord J.M. v.*
 3 *Liberty Union High Sch. Dist.*, No. 16-cv-05225-LB, 2016 WL 4942999, at *2 (N.D. Cal.
 4 Sept. 16, 2016). However, “[w]hen there is a potential conflict between a perceived parental
 5 responsibility and an obligation to assist the court in achieving a just and speedy determination of
 6 the action, a court has the right to select a guardian ad litem who is not a parent if that guardian
 7 would best protect the child’s interests.” *J.M.*, 2016 WL 4942999, at *1 (citations omitted)
 8 (internal quotation marks omitted).

9 Attached as Exhibits 1-9 to the Declaration of Jennie Lee Anderson in Support of
 10 Plaintiffs’ Third Consolidated *Ex Parte* Application for Appointment of Guardians *Ad Litem*
 11 (“Anderson Decl.” or “Anderson Declaration”) are the *Ex Parte* Applications for Appointment of
 12 Guardian *Ad Litem* (“Applications”) submitted by the parents and/or legal guardians of individual
 13 minor Plaintiffs in the following cases:

- 14 • *M.C., on behalf of minor E.C. v. Meta Platforms, Inc., et al.*, 4:23-cv-03398 (Exhibit
 1).
- 15 • *D.S. filed on behalf of S.C. v. Meta Platforms, Inc., et al.*, 4:23-cv-03402 (Exhibit 2)
- 16 • *B.B filed on behalf of minor R.B. v. Meta Platforms, Inc., et al.*, 4:23-cv-03032
 (Exhibit 3)
- 17 • *M.W., filed on behalf of minor G.W. v. Meta Platforms, Inc., et al.*, 4:23-cv-03824
 (Exhibit 4)
- 18 • *Monica Jackson, an individually and on behalf of her minor child M.J. v. Meta*
 Platforms, Inc., et al., 4:23-cv-03774 (Exhibit 5)
- 19 • *E.S. individually and on behalf of E.S. and J.S. individually v. Meta Platforms, Inc., et*
 al., 4:23-cv-03682 (Exhibit 6)
- 20 • *N.B., individually and on behalf of H.B. v. Meta Platforms, Inc., et al.*, 4:23-cv-03635
 (Exhibit 7)
- 21 • *M.H. individually and on behalf of B.H. and E.H., individually v. Meta Platforms, Inc.,*
 et al., 4:23-cv-03639 (Exhibit 8)
- 22 • *L.T. on behalf of C.A. v. Meta Platforms, Inc., et al.*, 4:23-cv-03637 (Exhibit 9)

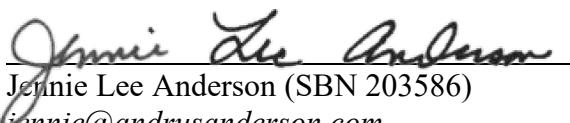
1 Exhibits 1-9 are Applications submitted to Plaintiffs' Liaison Counsel for filing since the
 2 last guardian *ad litem* submission. The Applications attached to the Anderson Declaration as
 3 Exhibits 1-9 are consistent with Attachment A to this Court's Guardian *Ad Litem* Order (ECF
 4 No. 122) and includes (1) the applicant's name and contact information (including address, email,
 5 and telephone number); (2) the name, case number, state of domicile (and its minimum age of
 6 capacity); (3) a sworn statement that the applicant is the parent and/or legal guardian of the minor
 7 plaintiff; and (4) a sworn statement affirming that the applicant is fully competent and qualified to
 8 understand and protect the rights of the minor plaintiff and has no interests adverse to the interests
 9 of that person. Anderson Decl. ¶ 4.

10 Pursuant to this Court's Guardians *Ad Litem* Order, the Applications by parents and/or
 11 legal guardians in the cases listed above are deemed presumptively approved upon filing, as there
 12 is no apparent conflict between the applicants' parental responsibility and their obligation to assist
 13 the Court in "achieving a just and speedy determination of the action." ECF No. 122 ¶ 4 (citing
 14 *J.M.*, 2016 WL 494299, at *1). This Court also ordered that, absent the filing of an objection, the
 15 presumptive approval shall become final fifteen days after the date this *Ex Parte* Application is
 16 filed. ECF No. 122 ¶ 5. Therefore, the objection period will close on August 22, 2023.

17 Accordingly, Plaintiffs submit herewith a [Proposed] Order Granting *Ex Parte*
 18 Applications and Appointing Guardian *Ad Litem* appointing the parent and/or legal guardian
 19 named in the Applications submitted in the case listed above.

20 Dated: August 7, 2023

Respectfully submitted,

21 
 22 Jennie Lee Anderson (SBN 203586)
jennie@andrusanderson.com
 23 ANDRUS ANDERSON LLP
 155 Montgomery Street, Suite 900
 24 San Francisco, CA 94104
 Telephone: (415) 986-1400
 25 Fax: (415) 986-1474

26 *Plaintiffs' Liaison Counsel*

27 Lexi J. Hazam (SBN 224457)

lhazam@lchb.com

28 **LIEFF CABRASER HEIMANN**

PLAINTIFFS' THIRD CONSOLIDATED *EX PARTE*

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& BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-100

Christopher A. Seeger (*pro hac vice*)
cseeger@seegerweiss.com
SEEGER WEISS, LLP
55 Challenger Road, 6th Floor
Ridgefield Park, NJ 07660
Telephone: (973) 639-9100
Facsimile: (973) 679-8656

Previn Warren (*pro hac vice*)
pwarren@motleyrice.com
MOTLEY RICE LLC
401 9th Street NW, Suite 630
Washington, DC 20004
Telephone: (202) 386-9610
Facsimile: (202) 232-5513

Plaintiffs' Co-Lead Counsel

**JOSEPH G. VANZANDT
BEASLEY ALLEN CROW METHVIN
PORTIS & MILES, P.C.
234 COMMERCE STREET
MONTGOMERY, AL 36103
Telephone: 334-269-2343
joseph.vanzandt@beasleyallen.com**

**EMILY C. JEFFCOTT
MORGAN & MORGAN
220 W. GARDEN STREET, 9TH FLOOR
PENSACOLA, FL 32502
Telephone: 850-316-9100
ejeffcott@forthepeople.com**

**RON AUSTIN
RON AUSTIN LAW
400 Manhattan Blvd.
Harvey LA, 70058
Telephone: (504) 227-8100
raustin@ronaustinlaw.com**

MATTHEW BERGMAN
GLENN DRAPER
SOCIAL MEDIA VICTIMS LAW CENTER
821 SECOND AVENUE, SUITE 2100
SEATTLE, WA 98104

1 Telephone: 206-741-4862
2 matt@socialmediavictims.org
3 glenn@socialmediavictims.org

4 JAMES J. BILSBORROW
5 WEITZ & LUXENBERG, PC
6 700 BROADWAY
7 NEW YORK, NY 10003
8 Telephone: 212-558-5500
9 Facsimile: 212-344-5461
10 jbilsborrow@weitzlux.com

11 PAIGE BOLDT
12 WATTS GUERRA LLP
13 4 Dominion Drive, Bldg. 3, Suite 100
14 San Antonio, TX 78257
15 T: 210-448-0500
16 PBoldt@WattsGuerra.com

17 THOMAS P. CARTMELL
18 WAGSTAFF & CARTMELL LLP
19 4740 Grand Avenue, Suite 300
20 Kansas City, MO 64112
21 T: 816-701 1100
22 tcartmell@wcllp.com

23 JAYNE CONROY
24 SIMMONS HANLY CONROY, LLC
25 112 MADISON AVE, 7TH FLOOR
26 NEW YORK, NY 10016
27 Telephone: 917-882-5522
28 jconroy@simmonsfirm.com

29 CARRIE GOLDBERG
30 C.A. GOLDBERG, PLLC
31 16 Court St.
32 Brooklyn, NY 11241
33 T: (646) 666-8908
34 carrie@cagoldberglaw.com

35 KIRK GOZA
36 GOZA & HONNOLD, LLC
37 9500 Nall Avenue, Suite 400
38 Overland Park, KS 66207
39 T: 913-451-3433
40 kgoza@gohonlaw.com

41 SIN-TINY MARY LIU

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1 **AYLSTOCK WITKIN KREIS & OVERHOLTZ,
2 PLLC**

3 17 EAST MAIN STREET, SUITE 200
4 PENSACOLA, FL 32502
5 Telephone: 510-698-9566
6 mliu@awkolaw.com

7 ANDRE MURA
8 **GIBBS LAW GROUP, LLP**
9 1111 BROADWAY, SUITE 2100
10 OAKLAND, CA 94607
11 Telephone: 510-350-9717
12 amm@classlawgroup.com

13 EMMIE PAULOS
14 **LEVIN PAPANTONIO RAFFERTY**
15 316 SOUTH BAYLEN STREET, SUITE 600
16 PENSACOLA, FL 32502
17 Telephone: 850-435-7107
18 epaulos@levinlaw.com

19 ROLAND TELLIS
20 DAVID FERNANDES
21 **BARON & BUDD, P.C.**
22 15910 Ventura Boulevard, Suite 1600
23 Encino, CA 91436
24 Telephone: (818) 839-2333
25 Facsimile: (818) 986-9698
26 rtellis@baronbudd.com
27 dfernandes@baronbudd.com

28 ALEXANDRA WALSH
29 **WALSH LAW**
30 1050 Connecticut Ave, NW, Suite 500
31 Washington D.C. 20036
32 T: 202-780-3014
33 awalsh@alexwalshlaw.com

34 MICHAEL M. WEINKOWITZ
35 **LEVIN SEDRAN & BERMAN, LLP**
36 510 WALNUT STREET
37 SUITE 500
38 PHILADELPHIA, PA 19106
39 Telephone: 215-592-1500
40 mweinkowitz@lfsbalw.com

41 DIANDRA "FU" DEBROSSE ZIMMERMANN
42 **DICELLO LEVITT**

43 PLAINTIFFS' THIRD CONSOLIDATED *EX PARTE*
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1 505 20th St North
2 Suite 1500
3 Birmingham, Alabama 35203
4 Telephone: 205.855.5700
5 fu@dicelolevitt.com

6 ROBERT H. KLONOFF
7 **ROBERT KLONOFF, LLC**
8 2425 SW 76TH AVENUE
9 PORTLAND, OR 97225
10 Telephone: 503-702-0218
11 klonoff@usa.net

12 HILLARY NAPPI
13 **HACH & ROSE LLP**
14 112 Madison Avenue, 10th Floor
15 New York, New York 10016
16 Tel: 212.213.8311
17 hnappi@hrsclaw.com

18 JAMES MARSH
19 **MARSH LAW FIRM PLLC**
20 31 HUDSON YARDS, 11TH FLOOR
21 NEW YORK, NY 10001-2170
22 Telephone: 212-372-3030
23 jamesmarsh@marshlaw.com

24 *Attorneys for Plaintiffs*